

[Counsel for Parties listed on signature pages]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

MARTIN LEWIS and AARON COOPER, on
behalf of themselves and a class of those similarly
situated,

Plaintiffs,

v.

WELLS FARGO & CO.,

Defendant.

Case No. 08-cv-2670 CW

STIPULATION AND ORDER RE
CASE SCHEDULE

1 This Stipulation is entered into by and between Martin Lewis and Aaron Cooper
 2 (“Plaintiffs”), by and through their undersigned counsel, and Wells Fargo Bank, N.A.¹ (the
 3 “Company”), by and through its undersigned counsel. Plaintiffs and the Company are
 4 collectively referred to herein as the “Parties.”

5 **RECITALS**

6 WHEREAS, the Court held an initial case management conference on September 16,
 7 2008, at which the Court ordered the parties to meet and confer regarding a pretrial schedule; and

8 WHEREAS, the Court ordered the parties to hold a mediation within 90 days;

9 WHEREAS, based on counsel’s schedules, the parties have agreed to propose accelerating
 10 the Conditional Collective Action Certification briefing and hearing schedule (§ 2, below) two
 11 weeks earlier;

12 WHEREAS, Defendant believes that mediation in December is unlikely to be fruitful
 13 because it cannot produce documents and make deponents available in time for briefing to be
 14 submitted to the mediator by mid-December, and has committed to making best efforts to produce
 15 such documents and make such deponents available sufficiently in advance of the December
 16 holidays to make mediation on January 13, 2009 fruitful;

17 WHEREAS, the Parties have scheduled mediation for January 13, 2009;

18 WHEREAS, in view of the factors set forth above, the Parties have advanced the dates set
 19 forth in the Court’s September 23, 2008 Minute Order by approximately 1-2 weeks each (with the
 20 exception of the mediation date, which is postponed by approximately 4 weeks), resulting in the
 21 schedule provided below, which the parties respectfully request the Court to confirm;

22 THEREFORE, the Parties stipulate and agree as follows:

23 **STIPULATION AND AGREEMENT**

- 24 1. The parties shall adhere to the following schedule (hearings are in bold):
- 25
- 26

27 ¹ The Company maintains that Wells Fargo & Co. is not a proper defendant, and that Plaintiffs
 28 should amend their Complaint to replace Wells Fargo & Co. with Wells Fargo Bank, N.A. The
 Company will provide documentation to confirm the propriety of such an amendment shortly.

1. Private mediation

January 13, 2009	Date of private mediation
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2. Plaintiffs' Motion for Conditional Collective Action Certification

January 22, 2009	Motion
February 5, 2009	Opposition
February 12, 2009	Reply
February 26, 2009, 2:00 p.m.	Hearing
March 12, 2009	Expected issuance of order
April 9, 2009	Notice to be sent out (if motion is granted)
June 23, 2009	Close of opt-in period (if motion is granted)

3. Plaintiffs' Amended Complaint

July 23, 2009	Filing of stipulation or motion for leave to amend (Deadline to add parties or claims)
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4. Plaintiffs' Motion for Class Certification

October 2, 2009	Motion
November 6, 2009	Opposition
November 25, 2009	Reply
December 10, 2009, 2:00 p.m.	Hearing and case management conference

5. Pretrial deadlines

April 16, 2010	Completion of fact discovery
July 15, 2010, 2:00 p.m.	Hearing on case-dispositive motions
August 6, 2010	Disclosure of identities of expert witnesses
September 15, 2010	Exchange of expert witness reports
October 5, 2010	Completion of expert discovery
November 16, 2010, 2:00 p.m.	Final pretrial conference
November 29, 2010, 8:30 a.m.	Commencement of 15-day trial ²

² Defendant contends the trial estimate is premature given the uncertain scope of the class (if any is certified) whose issues will be tried.

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2
3 Dated: September 25, 2008

By: /s/ Jahan C. Sagafi
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16 *Attorneys for Plaintiffs and Class Members*

17 Dated: September 25, 2008

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25 *Attorneys for Defendant Wells Fargo & Co.*
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ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

This schedule supersedes the schedule set forth in the Court's Minute Order dated September 24, 2008.

Dated: 9/30/08, 2008



Hon. Claudia Wilken
United States District Judge